

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RONALD FISHON, *pro se*,

Petitioner,

-against-

MICHAEL CORCORAN, Supt.,

Respondent.

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DORA L. IRIZARRY, United States District Judge:

SUMMARY ORDER AND CIVIL JUDGMENT

08-cv-2991 (DLI)

Petitioner, appearing *pro se*, filed this action on July 22, 2008, seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his 1981 Kings County Supreme Court conviction.¹ On August 14, 2008, Petitioner was ordered to show cause by written affirmation on or before October 14, 2008, why his petition should not be dismissed as time-barred, pursuant to 28 U.S.C. § 2244(d). Petitioner has failed to respond to the court's Order. Accordingly, it is hereby

ORDERED, ADJUDGED AND DECREED: that the petition is hereby dismissed pursuant to 28 U.S.C. § 2244(d). As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. *See* 28 U.S.C. § 2253 (c)(2); *Lucidore v. New York State Div. of Parole*, 209 F.3d 107, 111-12 (2d Cir. 2000). The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith and therefore *in forma pauperis* status is denied for purpose of an appeal. *See Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: Brooklyn, New York
March 13, 2009

/s/
DORA L. IRIZARRY
United States District Judge

¹ By order dated July 23, 2008, the United States District Court for the Northern District of New York transferred the petition to this court. The Northern District received the petition on July 22, 2008.